



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,155	11/25/2003	Masayuki Koshino	245821US90	9641

22850 7590 04/30/2007  
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
----------

VIANA DI PRISCO, GERMAN

ART UNIT	PAPER NUMBER
----------	--------------

2609

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/30/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/30/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

## Office Action Summary

Application No.

10/720,155

Applicant(s)

KOSHINO ET AL.

Examiner

German Viana Di Prisco

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/19/2004 and 02/16/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

2. The information disclosure statements submitted on 05/19/2004 and 02/16/2005 have been considered by the Examiner and made of record in the application file.

### ***Drawings***

3. Figures 1 and 1B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2609

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Koistinen (International Publication Number WO 01/86885 A1).

Consider claims 1 and 2, Koistinen shows and discloses a radio access network system and a method for transferring a packet in a network 4 including a base station BS and a control apparatus 6 (figure 1, page 7 line 30 – page 8 line 19), which comprises: a transfer path setter configured to set a transfer path for the packet in the network (inherently taught by the presence of a SGSN)(page 7, lines 32-34); a priority information setter (classifying device 6 in figure 1 and page 8 lines 14-23) configured to set priority information for determining a priority of the packet to be transferred at the base station and the control apparatus which are included in the transfer path (the classification device 6 assigns a priority based on real time traffic and non real time traffic)(page 9 lines 15-17); and a packet processor configured to determine the priority of the received packet in accordance with the priority information, and to add the priority to the received packet (classifying device 6 can determine priority from the incoming packets, for instance the protocol headers, and can generate IP headers and assign determined DiffServ codepoints to the generated IP headers)(page 13 line 31 – page 14 line 9).

Consider claim 3 Koistinen shows and discloses a priority information setter (classifying device 6 in figure 1 and page 8 lines 14-23) configured to set priority information for determining a priority of the packet to be transferred at the base station and the control apparatus which are included in the transfer path (the classification

Art Unit: 2609

device 6 assigns a priority based on real time traffic and non real time traffic)(page 9 lines 15-17); and a packet processor configured to determine the priority of the received packet in accordance with the priority information, and to add the priority to the received packet (classifying device 6 can determine priority from the incoming packets, for instance the protocol headers, and can generate IP headers and assign determined DiffServ codepoints to the generated IP headers)(page 13 line 31 – page 14 line 9).

Consider claim 4, and as applied to claim 3 above, Koistinen shows and discloses a priority information setter (classifying device 6 in figure 1 and page 8 lines 14-23) configured to set priority information for determining a priority of the packet to be transferred at the base station and the control apparatus which are included in the transfer path (the classification device 6 assigns a priority based on real time traffic and non real time traffic)(page 9 lines 15-17).

Consider claim 5, and as applied to claim 3 above, and claim 6, as applied to claim 5 Koistinen discloses a packet processor configured to determine the priority of the received packet in accordance with the priority information, and to add the priority to the received packet (classifying device 6 can determine priority from the incoming packets, for instance the protocol headers, and can generate IP headers and assign determined DiffServ codepoints to the generated IP headers)(page 13 line 31 – page 14 line 9).

Art Unit: 2609

Consider claim 7, and as applied to claim 6 above, Koistinen discloses determining priority based on the IP packet headers. The IP header Type of Service (TOS) field inherently teaches a flag showing delay, throughput, reliability and cost in predetermined fields.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Li (United States Patent Application Publication No.: US 203/0108015 A1) discloses mechanisms for QoS mapping rules on a mobile network between a UMTS layer and an IP layer.

7. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Viana Di Prisco whose telephone number is

Art Unit: 2609

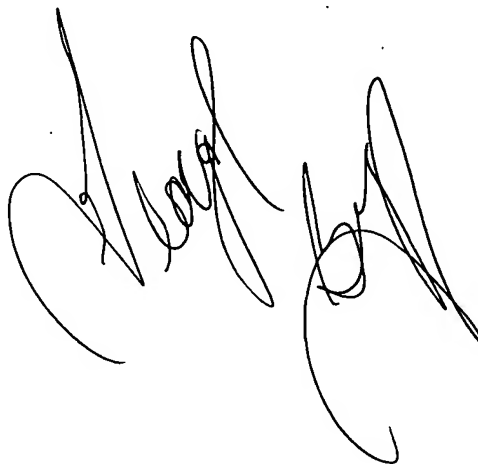
(571) 270-1781. The examiner can normally be reached on Monday through Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*German Viana Di Prisco*  
G.V.D.P/gvdp

April 23, 2007

A handwritten signature in black ink, appearing to read 'German Viana Di Prisco', with a large, stylized flourish at the end.